

REMARKS

Claim 1 is pending in this application. By the Office Action, claim 1 is rejected under 35 U.S.C. §112, first paragraph, and claims 1-3 are rejected for obviousness-type double patenting. By this Amendment, claim 1 is amended and claims 2-3 are canceled. Support for amended claim 1 can be found in claims 2 and 3. No new matter is added.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment places the application in condition for allowance (for the reasons discussed herein) or places the application into better form for Appeal should an Appeal be necessary. The Amendment does not present any additional claims without canceling a corresponding number of finally rejected claims, does not raise the issue of new matter, and does not raise any new issues requiring additional search and/or consideration since the Amendment is directed to subject matter previously considered during prosecution, and merely incorporates dependent claims 2 and 3 into claim 1. Furthermore, the amendments are necessary and were not earlier presented because they are in response to issues raised in the Final Rejection. Applicants respectfully request entry of the Amendment.

Applicants thank the Examiner for the indication that the previous §102 rejection has been withdrawn.

I. **Rejection Under 36 U.S.C. §112**

Claim 1 is rejected under 325 U.S.C. §112, first paragraph, as allegedly containing subject matter not described in the specification. Applicants respectfully traverse this rejection.

Although Applicants do not necessarily agree with the rejection, by this Amendment claim 1 is amended to incorporate the limitations of claims 2 and 3, which overcomes the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Obviousness-Type Double Patenting

Claims 1-3 are rejected for obviousness-type double patenting over claim 1 of U.S. Patent Application No. 10/765,050. Applicants respectfully traverse this rejection with respect to amended claim 1.

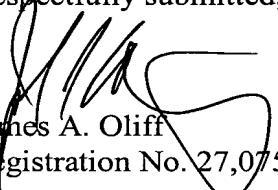
Although Applicants do not necessarily agree with the rejection, by this Amendment a Terminal Disclaimer is submitted, which overcomes the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:JSA

Attachment:

Terminal Disclaimer

Date: September 26, 2005

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